

COURT OF COMMON PLEAS OF BUCKS COUNTY, PENNSYLVANIA

STEPHANIE MOSKOWITZ P/N/G

vs.

WOODS SERVICES

NO. 2018-00372

CIVIL COVER SHEET

State Rule 205.5 requires this form be attached to any document commencing an action in the Bucks County Court of Common Pleas. The information provided herein is used solely as an aid in tracking cases in the court system. This form does not supplement or replace the filing and service of pleadings or other papers as required by law or rules of court.

Name of Plaintiff/Appellant's Attorney: MICHAEL D. SHAFFER, Esq., ID: 60191

Self-Represented (Pro Se) Litigant

Class Action Suit Yes No

MDJ Appeal Yes No

Money Damages Requested

Commencement of Action:

Amount in Controversy:

Complaint _____

More than \$50,000 _____

Case Type and Code

Tort: _____

Other _____

Other: NEGLIGENCE - ASSAULT AND BATTERY

Supreme Court of Pennsylvania

Court of Common Pleas Civil Cover Sheet

Bucks

County

For Prothonotary Use Only:

Docket No:

TIME STAMP

The information collected on this form is used solely for court administration purposes. This form does not supplement or replace the filing and service of pleadings or other papers as required by law or rules of court.

S E C T I O N A
Commencement of Action:

Complaint Writ of Summons
 Transfer from Another Jurisdiction

Petition
 Declaration of Taking

Lead Plaintiff's Name:
Stephanie Moskowitz

Lead Defendant's Name:
Woods Services

Are money damages requested? Yes No

Dollar Amount Requested:
(check one) within arbitration limits
 outside arbitration limits

Is this a *Class Action Suit?* Yes No

Is this an *MDJ Appeal?* Yes No

Name of Plaintiff/Appellant's Attorney: Michael D. Shaffer, Esquire

Check here if you have no attorney (are a Self-Represented [Pro Se] Litigant)

Nature of the Case: Place an "X" to the left of the **ONE** case category that most accurately describes your **PRIMARY CASE**. If you are making more than one type of claim, check the one that you consider most important.

TORT (do not include Mass Tort)

Intentional
 Malicious Prosecution
 Motor Vehicle
 Nuisance
 Premises Liability
 Product Liability (*does not include mass tort*)
 Slander/Libel/ Defamation
 Other:
 Negligence/Assault & Battery

CONTRACT (do not include Judgments)

Buyer Plaintiff
 Debt Collection: Credit Card
 Debt Collection: Other

 Employment Dispute:
 Discrimination
 Employment Dispute: Other

 Other:

CIVIL APPEALS

Administrative Agencies
 Board of Assessment
 Board of Elections
 Dept. of Transportation
 Statutory Appeal: Other

Zoning Board
 Other:

MASS TORT

Asbestos
 Tobacco
 Toxic Tort - DES
 Toxic Tort - Implant
 Toxic Waste
 Other:

REAL PROPERTY

Ejectment
 Eminent Domain/Condemnation
 Ground Rent
 Landlord/Tenant Dispute
 Mortgage Foreclosure: Residential
 Mortgage Foreclosure: Commercial
 Partition
 Quiet Title
 Other:

MISCELLANEOUS

Common Law/Statutory Arbitration
 Declaratory Judgment
 Mandamus
 Non-Domestic Relations
 Restraining Order
 Quo Warranto
 Replevin
 Other:

PROFESSIONAL LIABILITY

Dental
 Legal
 Medical
 Other Professional:

NOTICE

Pennsylvania Rule of Civil Procedure 205.5. (Cover Sheet) provides, in part:

Rule 205.5. Cover Sheet

(a)(1) This rule shall apply to all actions governed by the rules of civil procedure except the following:

- (i) actions pursuant to the Protection from Abuse Act, Rules 1901 et seq.
- (ii) actions for support, Rules 1910.1 et seq.
- (iii) actions for custody, partial custody and visitation of minor children, Rules 1915.1 et seq.
- (iv) actions for divorce or annulment of marriage, Rules 1920.1 et seq.
- (v) actions in domestic relations generally, including paternity actions, Rules 1930.1 et seq.
- (vi) voluntary mediation in custody actions, Rules 1940.1 et seq.

(2) At the commencement of any action, the party initiating the action shall complete the cover sheet set forth in subdivision (e) and file it with the prothonotary.

(b) The prothonotary shall not accept a filing commencing an action without a completed cover sheet.

(c) The prothonotary shall assist a party appearing pro se in the completion of the form.

(d) A judicial district which has implemented an electronic filing system pursuant to Rule 205.4 and has promulgated those procedures pursuant to Rule 239.9 shall be exempt from the provisions of this rule.

(e) The Court Administrator of Pennsylvania, in conjunction with the Civil Procedural Rules Committee, shall design and publish the cover sheet. The latest version of the form shall be published on the website of the Administrative Office of Pennsylvania Courts at www.pacourts.us.

SHAFFER & GAIER, LLC
BY: Michael D. Shaffer, Esquire
Michael H. Gaier, Esquire
Identification No. 60191/50210
8 Penn Center
1628 JFK Boulevard - Suite 400
Philadelphia, PA 19103
(215)751-0100

Attorneys for Plaintiffs

Stephanie Moskowitz, individually and As guardian of Samuel Moskowitz, minor Plaintiff,	:	IN THE COURT OF COMMON PLEAS OF BUCKS COUNTY CIVIL ACTION - LAW
vs.	:	
Woods Services, Defendant.	:	NO.

COMPLAINT IN CIVIL ACTION

NOTICE

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served by entering a written appearance personally or by an attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that, if you fail to do so, the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in this Complaint or for any other relief requested by the plaintiff.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. If you do not have a lawyer or cannot afford one, go to or telephone the office set forth below to find out where you can get legal help.

BUCKS COUNTY BAR ASSOCIATION
LAWYER REFERRAL AND INFORMATION SERVICE
18 E. Court Street
Doylestown, Pennsylvania 18901
(888) 991-9922

AVISO

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las páginas siguientes, usted tiene veinte (20) días, de plazo al partir de la fecha de la demanda y la notificación. Hace falta asentar una comparecencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomará medidas y puede continuar la demanda en contra suya sin previo aviso o notificación. Además, la corte puede decidir a favor del demandante y requiere que usted cumpla las con las todas provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

LLEVE ESTA DEMANDA A UN ABOGADO IMMEDIATEMENTE. Si no tiene abogado o si no tiene el dinero suficiente de pagar tal servicio, vaya en persona o llame por teléfono a la oficina cuya dirección se encuentra escrita abajo para averiguar donde se puede conseguir asistencia legal.

ASOCIACIÓN DE LICENCIADOS DE BUCKS COUNTY
SERVICIO DE REFERENCIA E INFORMACIÓN LEGAL
18 E. Court Street
Doylestown, Pa 18901
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Attorneys for Plaintiffs

Stephanie Moskowitz, individually and	:	IN THE COURT OF COMMON PLEAS
As guardian of Samuel Moskowitz, minor	:	OF BUCKS COUNTY
Plaintiff,	:	CIVIL ACTION – LAW
	:	
vs.	:	
	:	NO.
Woods Services,	:	
Defendant.	:	

COMPLAINT IN CIVIL ACTION

1. Plaintiff, Stephanie Moskowitz, is an adult individual currently residing at 516 Lombardi Road, Drexel Hill, Pa 19026.
2. Plaintiff, Samuel Moskowitz, date of birth June 27, 2003, is a minor child living at 516 Lombardi Road, Drexel Hill, Pa 19026.
3. Stephanie Moskowitz is the parent and guardian of the minor, Samuel (Sammy) Moskowitz.
4. Defendant, Woods Services, is a private residential facility located at 40 Martin Gross Drive, Langhorne, Pa 19047.
5. Woods Services is a 501(c)(3) non-profit multi-service population health management and advocacy organization that provides health, education, housing, workforce, behavioral health and case management services to more than 4,000 children and adults in the intellectual and developmental disability, child welfare, behavioral and brain trauma public health sectors.

6. Woods Services is in the business of providing support services for individuals with developmental and intellectual disabilities.

7. Despite its proclamations that it provides quality and competent care to its residents, Woods has a well-documented history of abuse and neglect of its residents.

8. In fact, in October 2009 a student was killed after staff neglected to supervise him and he was run over by multiple cars. Less than a year later, in July 2010, another resident suffocated in a hot car when the staff responsible for his care failed to notice he did not exit the vehicle.

9. In fact, Woods has a culture of abuse and neglect which goes unreported and unaddressed because Woods promotes a culture and environment that discourages reporting abuses by its employees.

10. Prior to his admission to Woods Services, Sammy had a significant history of psychiatric, mental and cognitive disorders. More specifically, he was diagnosed prior to his admission with intermittent explosive disorder, autism spectrum disorder and unspecified depressive disorder.

11. Woods Services advertised and promoted itself as being able to handle and treat persons such as Sammy who have this type of condition and diagnosis.

12. Woods Services accepts insurance compensation and benefits for services it provides and therefore has a pecuniary interest in servicing clients such as Sammy Moskowitz.

13. Sammy Moskowitz was admitted to Woods in August 2016.

14. On December 20, 2016 , Sammy Moskowitz was physically assaulted by Shawn Green, an employee and/or agent of Woods Services. More specifically, Shawn Green punched Sammy in the face and then used a bowling pin to strike him in the face.

15. Sammy was then transferred to St. Mary's Medical Center in Doylestown, Pa with an acute displaced transverse fracture of the nasal bridge and facial fracture to the orbital bone.

16. Sammy then followed up with treatment from Children's Hospital Department of Otolaryngology. Sammy has nose and sinus problems as a result of the aforementioned assault.

17. Since this incident, and because of the aforesaid incident, Sammy has suffered post traumatic stress disorder and has become increasingly agitated and violent and suffers from other emotional stress.

18. Sammy has developed serious trust issues and is afraid of any mental health worker because he fears for his safety due to this assault.

19. At all times material hereto, Defendant acted by and through its agents, employees and servants.

COUNT I ASSAULT AND BATTERY

20. Plaintiff incorporates the prior paragraphs as if set forth in full herein.

21. Woods, by and through its agents, employees and servants assaulted and battered Sammy causing certain injures. Namely, Shawn Green punched Sammy in the face and then took a blunt object, a bowling pin, and smashed Sammy in the face.

22. The assault and battery caused Sammy to incur serious and permanent personal injuries.

23. As a result of Defendant's conduct, Plaintiff has been and may in the future be prevented from attending to those usual and customary wants, duties, toils, labors, occupations and avocations in which Plaintiff previously engaged, thereby foregoing the pleasures and emoluments attendant thereto, all to Plaintiff's great detriment and loss.

24. As a result of the Defendant's conduct, Plaintiff has been and may in the future be required to expend various sums of monies for medical care and treatment in an endeavor to affect a treatment and cure of the aforesaid injuries and such other items of expense which have been incurred or which will be incurred and ascertained in the future, all to Plaintiff's great detriment and loss.

25. As a result of the Defendant's conduct, Plaintiff has suffered severe physical and emotional pain, mental anguish, emotional distress and humiliation and may continue to so suffer for an indefinite time into the future, all to Plaintiff's great detriment and loss.

26. As a result of the Defendant's conduct, Plaintiff has been and may in the future be required to expend various sums of monies for such other items of expense which either have been incurred but have not as yet been documented or which are to be incurred and ascertained in the future, as well as loss of income and earning capacity, and various and sundry other losses and expenses, all to Plaintiff's great detriment and loss.

27. The conduct of the Defendant, as stated herein, was willful, wanton and malicious and in conscious disregard to the rights of the Plaintiff, allowing Plaintiff to recover and receive punitive damages from Defendant.

WHEREFORE, Plaintiff demands judgment against Defendant, Woods Services, for compensatory damages, punitive damages, costs and any other relief the Court deems appropriate under the circumstances, in an amount in excess of the limits of Arbitration

**COUNT II
NEGLIGENCE**

28. Plaintiff incorporates the prior paragraphs as if set forth in full herein.

29. The Defendant was negligent, careless and unreasonable in performance of their duties in the following respects:

- a) failure to provide adequate supervision and treatment to Sammy including, but not limited to, allowing Sammy to be assaulted and battered by an agent, employee, servant of Defendant;
- b) failure to comply with the needs of Sammy while he was a resident of Woods;
- c) failure to have in their employ individuals who possess adequate skill and training to properly interact with and supervise Sammy;
- d) failure to establish proper protocol to ensure that residents such as Sammy receive appropriate care and treatment;
- e) employing an individual who physically assaulted and battered the Plaintiff;
- f) failing to conduct background checks on its employees;
- g) failing to supervise its employees and allowing an assault such as this to occur.

30. As a result of Defendant's negligence and carelessness, Plaintiff has been and may in the future be prevented from attending to those usual and customary wants, duties, toils, labors, occupations and avocations in which Plaintiff previously engaged, thereby foregoing the pleasures and emoluments attendant thereto, all to Plaintiff's great detriment and loss.

31. As a result of the Defendant's negligence and carelessness, Plaintiff has been and may in the future be required to expend various sums of monies for medical care and treatment in an endeavor to affect a treatment and cure of the aforesaid injuries and such other items of expense which have been incurred or which will be incurred and ascertained in the future, all to Plaintiff's great detriment and loss.

32. As a result of the Defendant's negligence and carelessness, Plaintiff has suffered severe physical and emotional pain, mental anguish and humiliation and may continue to so suffer for an indefinite time into the future, all to Plaintiff's great detriment and loss.

33. As a result of the Defendant's negligence and carelessness, Plaintiff has been and may in the future be required to expend various sums of monies for such other items

of expense which either have been incurred but have not as yet been documented or which are to be incurred and ascertained in the future, as well as loss of income and earning capacity, and various and sundry other losses and expenses, all to Plaintiff's great detriment and loss.

34. The conduct of the Defendant, as stated herein, was willful, wanton and malicious and in conscious disregard to the rights of the Plaintiff, allowing Plaintiff to recover and receive punitive damages from Defendant.

WHEREFORE, Plaintiff demands judgment against Defendant, Woods Services, for compensatory damages, punitive damages, costs and any other relief the Court deems appropriate under the circumstances, in an amount in excess of the limits of Arbitration.

SHAFFER & GAIER, LLC

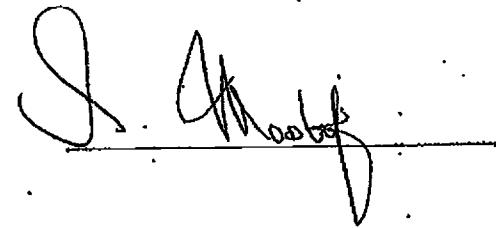
BY:

MICHAEL D. SHAFFER, ESQUIRE
Attorney for Plaintiffs

Date: 1/18/18

VERIFICATION

I hereby certify that the statements contained in the forgoing Civil Action Complaint are true and correct to the best of my knowledge, information and belief and these statement are made subject to the penalties of 18 Pa.C.S.A. Section 4904 relating to unsworn falsification to authorities.



DATE: 1/18/18